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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,172	12/28/2001	Paul Thomas Watson	01326 (BLL-0583)	4609

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CANTOR COLBURN LLP - BELLSOUTH  
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Hartford, CT 06103

EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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02/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/029,172	WATSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Farzana E. Hossain	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/28/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2007 has been entered.

### ***Response to Amendment***

2. This office action is in response to communications filed 12/11/2007. Claims 1, 6 and 18 are amended. Claims 2-5, 19 and 20 have been previously presented. Claims 7-17 are cancelled.

### ***Response to Arguments***

3. Regarding Claim 6, the applicant argues the previous 112, 1<sup>st</sup> paragraph rejection due to the amendment are moot.

In response to the argument, the examiner respectfully disagrees as the new amendment resulted in a new 112, 1st paragraph written description rejection.

4. Applicant's arguments with respect to claims 1-6 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Claims 1 and 18, the applicant argues that the combination does not teach receiving configuration information remotely over the first communications network, the configuration information including authorized storage for the set top box and the processor comparing the capacity of the disk drive to the authorized storage for the STB, detecting unauthorized modifications to the STB.

In response to the argument, Feigen discloses a database storing configuration information of numerous remote units (Column 3, lines 8-10, Column 7, lines 15-23) and sends hash function to the STB (Figure 3, 52). Feigen discloses a method of initiating communications between a STB or remote unit (Figure 1, 14, Column 3, lines 18-20) and a service provider (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6); Feigen discloses the first port of the remote communication unit or STB sending resource information associated with the STB describing memory space and size (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6). Gold discloses describing at least two disk drives and capacity of each disk drive (Column 3, lines 64-67, Column 4, lines 1-3, Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19) and the processor comparing the capacity of the disk drive to the authorized storage for the set top box or computer included in the configuration information and when the capacity of the disk drive differs from the authorized storage for the set top box, detecting unauthorized modification to the for the set top box (Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19, Column 10, lines 54-67, Column 11,

lines 1-3). Neither Feigen nor Gold does not explicitly disclose receiving remotely the configuration information over the first communications network. See new rejections.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-6, 18-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 discloses "the processor receiver the configuration information remotely over the first network; the configuration information including authorized storage for the set top box, the processor comparing the capacity of the disk drive to the authorized storage for the set top box and when the capacity of the disk drive differs from the authorized storage for the set top box, detecting unauthorized modifications to the set top box. "

The specification discloses that the service provider receives the resource information from the STB and compares the resource information with the configuration

information from the database to detect unauthorized modifications (Pages 11, paragraphs 0041-Page 12, paragraph 0044).

Regarding Claim 18 for similar limitations:

The applicant's specification discloses the service provider has access to the database storing configuration information (Pages 11, paragraphs 0041-Page 12, paragraph 0044). There is no information of whether the database is remote from the service provider. However, the STB does not have access to the database as there is no disclosure in the applicant's specification.

Claims 6 (including 1):

The claim recites "further comprising a remote resource manager capable of determining resources was associated with the set top box." The applicant's disclosure discloses that the STB performs these processes (Pages 12-13, paragraphs 0048-0049) and that the remote resource manager or processor performs the function (Page 3, paragraphs 0012, 0013). There is no second processing element or remote resource manager. The specification discloses a processor or a remote resource manager capable of determining resources was associated with the set top box. There is no extra processor or remote resource manager performing steps in Claim 1 as stated by the applicant's specification (Pages 11, paragraphs 0041-Page 12, paragraph 0044).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-5, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin et al (US 6,654,546 and hereafter referred to as "Levin") in view of Feigen et al (US 6,925,566 and hereafter referred to as "Feigen"), Gold (US 6,662,284), Jerding et al (US 2005/0240961 and hereafter referred to as "Jerding") and Coss et al (US 6,170,012 and hereafter referred to as "Coss").

Regarding Claims 1 and 18, Levin discloses a set top box, and a method comprising: a first port coupling to a processor to a communication network (Figure 1, 113, 104, 115). Microsoft's Computer Dictionary (4<sup>th</sup> edition) defines port as an interface through which data is transferred between a computer and other device, a network or a direct connection to another computer. Levin discloses the processor controlling and processing resource information associated with the STB or playback device describing disk drive and other mass storage devices and a capacity of the disk drive (Figure 1, 112, Column 2, lines 37-41), the first port receiving an operating instruction to access an additional portion of a disk drive (Column 3, lines 1-25, 39-64, Figure 2, Figure 3); wherein the processor executes the operating instruction to repartition the capacity of the disk drive (Column 3, lines 1-6, 39-64). Levin discloses a second port coupling the processor to a second communications network or the processor is connected to the network supplying video information for recording via the second service provider, which is executed by the processor or initiating communication between the STB and second

service provider (Figure 1, 104, 113, Column 2, lines 18-31). Levin is silent on the first port coupling the processor to a database and sending resource information associated with the set top box describing at least two disk drives and capacity of storage and initiating communication between a STB and a service provider, the operation instruction that permits the processor to access an additional portion of at the at least two disk drives, a firewall determining when a source is authorized to communicate with the STB and determining when a communications protocol is authorized, the firewall thus protecting the STB from unauthorized access; the database storing configuration information for the STB; and the processor comparing the resource information to the configuration information and when the resource information differs from the configuration information, detecting unauthorized modifications to the STB.

In analogous art, Feigen discloses a set top box (STB) or remote unit, comprising: a first port (Figure 1, 14) coupled to the first communications network and a database or storage location (Column 7, lines 15-23). Microsoft's Computer Dictionary (4<sup>th</sup> edition) defines port as an interface through which data is transferred between a computer and other device, a network or a direct connection to another computer. It is necessarily included that the STB includes a processor as the STB performs processes and sends resource information (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6, 26-43). It is inherent that a database is a storage location to store a large amount of data for convenient access to perform functions. Feigen disclose a database storing configuration information of numerous remote units (Column 3, lines 8-10, Column 7, lines 15-23) and send hash function to the STB (Figure 3, 52). Feigen discloses a



method of initiating communications between a STB or remote unit (Figure 1, 14, Column 3, lines 18-20) and a service provider (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6); Feigen discloses the first port of the remote communication unit or STB sending resource information associated with the STB describing memory space and size (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6). Microsoft's Computer Dictionary (4<sup>th</sup> edition) defines memory a device where information can be stored and retrieved and in the most general sense memory can refer to disk drives. In analogous art, Gold discloses describing at least two disk drives and capacity of each disk drive (Column 3, lines 64-67, Column 4, lines 1-3, Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19) and the processor comparing the capacity of the disk drive to the authorized storage for the set top box or computer included in the configuration information and when the capacity of the disk drive differs from the authorized storage for the set top box, detecting unauthorized modification to the for the set top box (Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19, Column 10, lines 54-67, Column 11, lines 1-3). In analogous art, Jerding discloses the processor receiving the configuration information remotely over the first communications network, (Pages 4-5, paragraph 0052). Coss discloses a user site connected to the Internet via a firewall processor (Figure 2, 211). Coss discloses that a firewall can be resident in a STB (Column 2, lines 54-57, Column 10, lines 20-24). Coss discloses that the user in communication with the Internet (Column 10, lines 25-27), which would include that the STB interfaces to the Internet or necessarily includes a port. It is necessarily included that the firewall resident in the STB to receive

communications from the port. Coss discloses that the firewall is capable of filtering or analyzing information received from the Internet (Figure 4, Column 5, lines 36-50) determining when a source is authorized to communicate with the STB, the firewall thus protecting the STB from unauthorized access (Column 6, lines 26-67, Column 7, lines 1-23).

Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Levin to include initiating communications between a STB or remote unit (Figure 1, 14, Column 3, lines 18-20); a first port (Figure 1, 14) coupled to the first communications network and a database or storage location (Column 7, lines 15-23) and a service provider (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6), database storing configuration information of numerous remote units (Column 3, lines 8-10, Column 7, lines 15-23 and the port of the remote communication unit or STB sending resource information associated with the STB describing memory space and size (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6) as taught by Feigen in order to verify the integrity of remote units in a communication system (Column 1, lines 45-47) as disclosed by Feigen. Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the combination to include describing the number of disk drives (Column 3, lines 64-67, Column 4, lines 1-3, Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19) and the processor comparing the capacity of the disk drive to the authorized storage for the set top box or computer included in the configuration information and when the capacity of the disk drive differs from the authorized storage

for the set top box, detecting unauthorized modification to the for the set top box (Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19, Column 10, lines 54-67, Column 11, lines 1-3) as taught by Gold in order to verify that customers cannot increase disk configuration to help protect the customer from is configuration and to protect the manufacturer's pricing of storage (Column 1, lines 12-20) as disclosed by Gold. Therefore, it would have been obvious at the time the invention was made to modify the combination to include the processor receiving the configuration information remotely over the first communications network (Pages 4-5, paragraph 0052) as taught by Jerding in order to confirm the parameters of an authorized user device so that any updates made at the headend can be resolved (Pages 4-5, paragraph 0052-0053) as disclosed by Jerding. Therefore, it would have been obvious at the time the invention was made to modify the combination to include a firewall determining when a communications protocol is authorized, the firewall thus protecting determining when a source is authorized to communicate wit the STB, the firewall thus protecting the STB from unauthorized access (Column 6, lines 26-67, Column 7, lines 1-23. Column 2, lines 54-57, Column 10, lines 20-24) as taught by Coss in order to facilitate parental control of Internet of video access in the home (Column 10, lines 25-27) as disclosed by Coss.

Regarding Claims 3 and 20, Levin, Feigen, Gold, Jerding and Coss disclose all the limitations of Claims 1 and 18 respectively. Gold discloses describing the number of disk drives and capacity of each disk drive (Column 3, lines 64-67, Column 4, lines 1-3, Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19). Levin

discloses the operating instruction causes the processor to increase the capacity of a disk drive (Column 3, lines 1-25, 39-64, Figure 2, Figure 3).

Regarding Claim 4, Levin, Feigen, Gold, Jerding and Coss disclose all the limitations of Claim 1. Levin discloses receiving operating instruction (Column 3, lines 1-25, 39-64). Coss discloses that the firewall is capable of filtering or analyzing information received from the Internet (Figure 4, Column 5, lines 36-50).

Regarding Claim 5, Levin, Feigen, Gold, Jerding and Coss disclose all the limitations of Claim 4. Coss disclose the firewall is logically between the first port and other components associated with the STB (Figure 1, 111, 113, 114) as the firewall is resident in the STB to filter received communications (Column 2, lines 54-57, Column 10, lines 20-24, Column 5, lines 36-50).

9. Claims 2 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin in view of Gold, Feigen as applied to claim 1 and 18 above, and further in view of Bruynsteen et al (US 6,658,663 and hereafter referred to as "Bru").

Regarding Claims 2 and 19, Levin, Feigen, Gold, Jerding and Coss disclose all the limitations of Claims 1 and 18 respectively. Gold discloses describing the number of disk drives or at least two disk drives and capacity of each disk drive (Column 3, lines 64-67, Column 4, lines 1-3, Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19). Levin, Gold, Feigen and Coss are silent on operating instruction causes the processor to limit the capacity of a disk drive. Bru discloses a set top box, and a method comprising: a port coupled to a processor (Figure 1, 116); the processor

controlling and processing resource information associated with the STB or CE equipment describing the disk drive and its capacity (Figure 1, 106, 108, Column 1, line 8, Column 2, line 62, Column 3, lines 33-60), the port receiving an operating instruction (Column 4, lines 5-31); wherein the processor executes the operating instruction to repartition the capacity of a disk drive (Column 4, lines 5-44). Bru disclose that the apparatus with storage can include hard disk drive or sold state memory (Column 1, lines 7-10, Column 2, lines 54-65). Microsoft's Computer Dictionary (4<sup>th</sup> edition) defines port as an interface through which data is transferred between a computer and other device, a network or a direct connection to another computer. Bru discloses the operating instruction causes the processor to limit the capacity of the disk drive (Column 4, lines 5-14). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the combination to include the operating instruction causes the processor to limit the capacity of the disk drive (Column 4, lines 5-14) as taught by Bru in order to provide the end user with the capability of upgrade the storage capacity for a fee, however to also prevent unauthorized tampering with the storage capacity (Column 3, lines 61-64, Column 4, lines 42-44) as disclosed by Bru so that there is no loss of revenue from unauthorized upgrades.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levin in view of Gold and Feigen as applied to claim 1 above, and further in view of Nissimov et al (US 5,327,549 and hereafter referred to as "Nissimov").

Regarding Claim 6, Levin, Feigen, Gold, Jerding and Coss disclose all the limitations of Claim 1. Gold discloses that license data or resource information is stored (Column 3, lines 64-67, Column 4, lines 1-3, Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19). Levin, Gold, Feigen and Coss are silent on the remote resource manager capable of determining resources associated with the STB. Nissimov discloses a remote resource manager capable of determining resources associated with the STB (Column 4, lines 35-65, Column 5, lines 8-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a remote resource manager capable of determining resources associated with the STB (Column 4, lines 35-65, Column 5, lines 8-47) as taught by Nissimov in order to determine the configuration of the system (Column 1, lines 13-16, Column 4, lines 63-64) as disclosed by Nissimov.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone

Application/Control Number:  
10/029,172  
Art Unit: 2623

Page 14

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH  
February 1, 2008

  
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